

Appendix F

Summary of and Response to Comments Received

Legend

- Comment
- IDEM's Response

Constance M. Clay, Save the Dunes Council

- The Warning Level Response trigger level of 0.089 ppm is set too high; since the health based 8-hour ozone national ambient air quality standard is 0.08 ppm.
- IDEM has proposed the use of either a one-year 4th high of 0.089 ppm or a two-year average 4th high of 0.085 ppm as a trigger to take action in advance of an actual violation of the standard. If either level is reached, it would proactively trigger a warning level response before the health based standard is exceeded. This is no less stringent than trigger levels previously used by IDEM or other states.

A warning level response consists of a study to determine whether the ozone values indicate a trend toward higher concentrations. A study shall evaluate whether the trend, if any, is likely to continue and, if so, whether control measures are necessary to reverse the trend. A Warning Level Response will be completed as expeditiously as possible, but in no event later than twelve (12) months from the conclusion of the most recent ozone season (September 30).

In order to be in violation of the 8-hour ozone standard, a 3-year average (of the annual 4th highest concentration) of 0.085 ppm or greater is required (opposed to .08 parts per billion). According to U.S. EPA's methodology for determining compliance with the standard "Guidelines On Data Handling Conventions For the 8-Hour Ozone NAAQS", published in December of 1998, the U.S. EPA established parts per million (ppm) and three significant figures as the basis for computation of 8-hour ozone concentrations. In accordance with this guidance, three significant digits are used to determine an area's design value and for conducting attainment tests. Specifically, because the third decimal digit is rounded, 0.084 ppm is the largest concentration that is less than or equal to the standard of 0.08 ppm. Since a warning level response trigger is based on one to two years of monitoring data, it should not be compared to the actual standard of 0.085 ppm that is based on 3 years of data. Nevertheless, since IDEM proposes a two-tier response trigger that includes a two year average of 0.085 ppm, it could be deemed more stringent than necessary for a warning level response.

- Other 8-hr. ozone nonattainment areas in the U.S. have selected lower Warning Level Response trigger levels and we urge IDEM to be more protective of LaPorte County air by selecting a much lower trigger level in consultation with the citizens of LaPorte County (especially those populations most at risk from unhealthy air).

- The use of a two-tier warning level response trigger (1-year fourth high of 0.089 ppm and a 2-year fourth high of 0.085 ppm) does in fact enable a warning level response prior to the health based standard being violated. Also, the use of the two-tier approach is no less stringent than the one-tier approach (1-year fourth high of 0.088 ppm) used previously by IDEM. For example, a warning level trigger based on a 1-year fourth high of 0.088 ppm would not be triggered by back-to-back fourth highs of 0.085 ppm to 0.087 ppm, even though the two-year average fourth high would be above 0.085 ppm. In this instance, the area would be well on course to a possible violation of the standard without triggering a warning level response. The two-tier approach better addresses this possibility.
- The Action Level Response trigger level now set at 0.085 ppm should also be lowered accordingly.
- Action level responses are designed based on the increased likelihood for action being needed. Since the two-tier warning level response will enable IDEM to proactively evaluate the need for action prior to an action level response being triggered, it is reasonable to set the action level response at the standard itself. This does not preclude action being taken prior to a violation occurring because a warning level response will precede an action level response.
- IDEM should commit to revisiting the suggested contingency measures that may have to be taken should a warning level response be triggered. This should be done in a timely fashion and certainly before the year 2020.
- The contingency measures outlined in the maintenance plan are examples only and will be revisited if a warning or action level response is triggered. Contingency measures to be considered will be selected from a comprehensive list of measures deemed appropriate and effective at the time the selection is made. The selection of measures will be based upon cost-effectiveness, emission reduction potential, economic and social considerations or other factors that IDEM deems appropriate. IDEM will solicit input from all interested and affected persons in the maintenance area prior to selecting appropriate contingency measures. In the event that the Action Level is triggered after the maintenance plan has been approved by the U.S. EPA, and is not found to be due to an exceptional event, malfunction, or noncompliance with a permit condition or rule requirement, IDEM will determine whether or not additional control measures are needed to assure future attainment of NAAQS for ozone. In this case, measures that can be implemented in a short time will be selected in order to be in place within eighteen (18) months from the close of the ozone season that prompted the Action Level (i.e. if an action level were triggered during the 2007 ozone season, contingency measures (if necessary) would be required to be in place by the end of March 2008).

Howard M. Smith, LaPorte County Schools

- Will increasing the use of alternative fuels such as ethanol (E-10 and E-85) and/or biodiesel have significant impact on Indiana's air quality.
- Several recent studies indicate that using E-10 as opposed to regular gasoline slightly increases VOC (+3.9%) and NO_x (+1.2%) cumulative emissions (exhaust, evaporative and permeation) and slightly decreases PM (-2.4%) and SO₂ (-10%) emissions. It should be noted as the percentage blend of ethanol increases in gasoline (i.e. above 10% up to 85%), mobile source VOC, NO_x, PM and SO₂ tailpipe emissions appear to decrease as well. IDEM has recently finalized a fact sheet that provides detailed information concerning the environmental benefits, environmental disbenefits, and cumulative effects of ethanol use in Indiana. This fact sheet will be posted on IDEM's Dieselwise website in the near future.

Recent modeling conducted by IDEM indicates that using B-20 (20% biodiesel, 80 % regular diesel) decreases VOC (-10%), PM (-15%) from mobile tailpipe emissions and slightly increases NO_x (+2%) emissions. These associated emissions benefits/disbenefits tend to increase as the percentage of biodiesel increases. IDEM has recently finalized a fact sheet that provides detailed information concerning the environmental benefits, environmental disbenefits, and cumulative effects of biodiesel use in Indiana. This fact sheet will be posted on IDEM's Dieselwise website in the near future.

Based on these studies it appears the environmental effects of mobile source ethanol and biodiesel use in Indiana will have a negligible effect on Indiana's overall air quality. Modeling that was conducted by the U.S. EPA to support the NO_x SIP Call clearly indicates that LaPorte County is adversely and significantly affected by transported air pollutants. Modeling that was recently conducted by IDEM clearly demonstrates that local emission reductions, regardless of volume, have little to no impact on ozone concentrations within LaPorte County or neighboring downwind areas. As a result, mobile source ethanol and biodiesel use in LaPorte County will have little or no effect on the county's air quality.

Mark Strimbu, NiSource

- On Page 2 of the draft redesignation request, the paragraph just above Section 2.2 states that the subsections below refer in greater detail to the requirements listed in Section 1.0. These subsections are actually located in Section 3.0. Page 2 should be revised to clarify this.
- IDEM has deleted this language since it is not necessary.
- On Page 26 of the draft redesignation request, the paragraph above Table 7.3 states that the average temperature of 90° F and higher days for the LaPorte County area is 10.2. This number disagrees with what's in Table 7.3 (11.2 days).
- IDEM has addressed this within the document accordingly.
- Section 8.2, *Commitment for Contingency Measures*, should state that the ozone monitoring data has been quality QA/QC and provide information as to when the ozone data will be available.
- The ozone monitoring data that will be used by IDEM to determine whether a Warning Level Response or Action Level has been prompted will be QA/QC and available by no later than November 15th annually.

The Honorable Leigh E. Morris, Mayor, City of LaPorte

- The City of LaPorte believes that Indiana's request to redesignate LaPorte County from nonattainment to attainment of the 8-hour ozone standard is a very positive step for LaPorte County.
- No response necessary.
- The City of LaPorte appreciates the manner in which IDEM has worked with the citizens of LaPorte County in achieving attainment of the 8-hr. ozone standard.
- No response necessary.

John G. Regetz, Michigan City Economic Development Corporation

- The Michigan City Economic Development Corporation extends its support of Indiana's request to redesignate LaPorte County from nonattainment to attainment of the 8-hour ozone standard.
- No response necessary.
- Implementation of the NO_x SIP Call has been a success for LaPorte.
- No response necessary.
- LaPorte County has recorded three years of complete quality assured monitoring data for the years 2003 – 2005 that demonstrate attainment with the 8-hr. ozone standard.
- No response necessary.
- Permanent and enforceable reductions in emission levels for NO_x and VOC has been achieved in the nonattainment area.
- No response necessary.
- As federal, state and local agencies strive to balance the many needs of our community, we should retain effective models for improving its air quality.
- IDEM appreciates the comment and agrees fully.
- The Michigan City Economic Development Corporation recommends retaining the current 8-hr. ozone standard of 0.08 ppm.
- No response necessary.

LEGAL NOTICE OF PUBLIC HEARING
Redesignation Petition and Maintenance Plan
in association with the 8 hour ozone standard,
for LaPorte County.

Notice is hereby given under 40 CFR 51.102 that the Indiana Department of Environmental Management (IDEM) will hold a public hearing on Monday, April 10, 2006. The purpose of this hearing is to receive public comment on the Draft Redesignation Petition and Maintenance Plan in association with the 8 hour ozone standard, for LaPorte County. The meeting will convene at 6:00 p.m. (local time) in the LaPorte County Library, 904 Indiana Avenue, LaPorte, Indiana. All interested persons are invited and will be given opportunity to express their views concerning the draft documents.

This Redesignation Petition and Maintenance Plan is being drafted and submitted consistent with United States Environmental Protection Agency (USEPA) guidance.

Copies of the draft documents will be available on or before March 10, 2006 to any person upon request and at the following locations:

- Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, 100 North Senate, Room N1003, Indianapolis, Indiana.
- LaPorte County Public Library, 904 Indiana Avenue, LaPorte, Indiana.
- La Crosse Public Library, 16 East Main Street, P.O. Box 300, La Crosse, Indiana.
- Northwest Regional Office, 8315 Virginia Street, Suite 1, Merrillville, Indiana

Oral statements will be heard, but for the accuracy of the record, statements should be submitted in writing. Written statements may be submitted to the attendant designated to receive written comments at the public hearing.

IDEM will also accept written comments through April 17, 2006. Mailed comments should be addressed to:

LaPorte County Redesignation Petition and Maintenance Plan
Kathryn Watson, Chief
Air Programs Branch, Office of Air Quality – Mail Code 61-50
100 North Senate Avenue
Indiana Department of Environmental Management
Indianapolis, IN 46206-2251

A transcript of the hearing and all written submissions provided at the public hearing shall be open to public inspection at IDEM and copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of actions resulting from the hearing.

For additional information contact Mr. Gale Ferris, at the Indiana Department of Environmental Management, Office of Air Quality, Room 1001, Indiana Government Center North, 100 North Senate Avenue, Indianapolis or call (317) 234-3653 or (800) 451-6027 ext. 4-3653 (in Indiana).

Kathryn Watson, Chief
Air Programs Branch
Office of Air Quality

Individuals requiring reasonable accommodations for participation in this hearing should contact the IDEM Americans with Disabilities Act (ADA) coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management – Mail Code 50-10
100 North Senate Avenue
Indianapolis, IN 46204-2251

Or call (317) 233-1785 (voice) or (317) 232-6565 (TDD). Please provide a minimum of 72 hours notification.

(Governmental Unit)

LaPorte

County, Indiana

121 W. Michigan Blvd. Michigan City, IN

**LEGAL NOTICE OF
PUBLIC HEARING**

Redesignation Petition and
Maintenance Plan in
association with the 8 hour
ozone standard, for
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Kathryn Watson, Chief, Air
Programs Branch, Office of
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Indiana Department of
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I hereby certify that the foregoing account is just and correct, that the amount claimed is
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PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

LaPorte County)

Personally appeared before me, a notary public in and for said county
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sworn, says that she is Director of Classified Advertising

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said, and that the printed matter attached hereto is a true copy, which
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March 10th, 2006

Subscribed and sworn to before me this

10th

March

2006

Kathryn Watson, Chief
Air Programs Branch
Office of Air Quality

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for participation in this hearing should contact the
IDEM Americans with Disabilities Act (ADA) coordinator at:
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Management - Mail Code 50-10, 100 North Senate Avenue,
Indianapolis, IN 46204-2251 or call (317) 233-1785
(voice) or (317) 232-6565 (TDD). Please provide a
minimum of 72 hours notification.

Jennifer P. Mann, Notary Public

County of Residence: La Porte

My Commission expires: June 13th, 2008



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We make Indiana a cleaner, healthier place to live.

Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

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Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

News Dispatch
121 West Michigan Boulevard
Michigan City, Indiana 46360

Date: March 7, 2006

Phone: 219-874-7211
Fax: 219-878-4487

ATTENTION: PUBLIC NOTICES - LEGAL ADVERTISING SECTION

Enclosed please find Indiana Department of Environmental Management Public Hearing Legal Notices(s) concerning 8 Hour Ozone Redesignation Petition and Maintenance Plan for LaPorte County.

Please print ONE TIME, on or before March 10, 2006, in order for us to satisfy our statutory requirements.

Please send a notarized form no. 99p and/or publisher's claim, together with the clipping, showing the date of publication and your Federal ID number to:

MAIL TO:

**Attn: Sandra Robinson, Room N1001
Indiana Department of Environmental Management
Air Programs Branch, Office of Air Quality
Mail Code 61-50
Indianapolis, Indiana 46206-2251**

If you have any questions, please call me at 317-233-0427. Thank you.

Sincerely,

Sandra Robinson
Air Programs Branch
Office of Air Quality

Enclosures

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IGCN - Room 1345

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LEGAL NOTICE OF PUBLIC HEARING

Redesignation Petition and Maintenance Plan in association with the 8 hour ozone standard, for LaPorte County.

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Kathryn Watson, Chief
Air Programs Branch, Office of Air Quality - Mail Code 61-50
160 North Senate Avenue
Indiana Department of Environmental Management
Indianapolis, IN 46206-2251

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Air Programs Branch
Office of Air Quality
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Indiana Department of Environmental Management - Mail Code 30-10
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Indianapolis, IN 46204-2251
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Date: March 10th, 2006

Title: Business Manager

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LaPorte County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Rich Parcells, who being duly sworn, says that he/she is Business Manager of The LaPorte Herald-Argus newspaper of general circulation printed and published in the English language in the (city) (town) of LaPorte in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time(s), the dates of publication being as follows:

March 10th, 2006

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Notary Public

My Commission expires: February 11th, 2010

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LaPorte, Indiana 46350

Date: March 7, 2006

Phone: 219-362-2161
Fax: 219-362-2166

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Indianapolis, Indiana 46206-2251**

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LaPorte County Public Library, 904 Indiana Avenue, LaPorte, Indiana.
La Crosse Public Library, 16 East Main Street, P.O. Box 300, La Crosse, Indiana.
Northwest Regional Office, 8315 Virginia Street, Suite 1, Merrillville, Indiana.

Oral statements will be heard, but for the accuracy of the record, statements should be submitted in writing. Written statements may be submitted to the attendant designated to receive written comments at the public hearing.

IDEM will also accept written comments through April 17, 2006. Mailed comments should be addressed to:

LaPorte County Redesignation Petition and Maintenance Plan
Kathryn Watson,
Chief Air Programs Branch,
Office of Air Quality -
Mail Code 61-50
100 North Senate Avenue

Indiana Department of Environmental Management
Indianapolis, IN 46206-2251

A transcript of the hearing and all written submissions provided at the public hearing shall be open to public inspection at IDEM and copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of actions resulting from the hearing.

For additional information contact Mr. Gale Ferris, at the Indiana Department of Environmental Management, Office of Air Quality, Room 1001, Indiana Government Center North, 100 North Senate Avenue, Indianapolis or call (317) 234-3653 or (800) 451-6027 ext. 3-5680 (in Indiana).

Kathryn Watson, Chief Air Programs Branch
Office of Air Quality

Individuals requiring reasonable accommodations for participation in this hearing should contact the IDEM Americans with Disabilities Act (ADA) coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
Mail Code 50-10
100 North Senate Avenue,

Indianapolis, IN 46204-2251
Or call (317) 233-1785 (voice) or (317) 232-6565 (TDD).

Please provide a minimum of 72 hours notification.
(S - 3/10 - 4243129)

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DATE: 03/10/2006

81956-4243129

PUBLISHER'S AFFIDAVIT

State of Indiana SS:
MARION County

Personally appeared before me, a notary public in and for said county and state,

the undersigned Karen Mullins who, being duly sworn, says that SHE is clerk

of the INDIANAPOLIS NEWSPAPERS a DAILY STAR newspaper of general circulation

printed and published in the English language in the city of INDIANAPOLIS in state

and county aforesaid, and that the printed matter attached hereto is a true copy,

which was duly published in said paper for 1 time(s), between the dates of:

03/10/2006 and 03/10/2006

Subscribed and sworn to before me on 03/10/2006

My commission expires:

STATE PRESCRIBED FORMULA

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16.49 EMS / 250 - .06596 SQUARES
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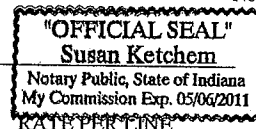
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Karen Mullins Clerk
Title

Karen Mullins Clerk
Title

Susan Ketchum Notary Public



m 65-REV 1-88



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

FILE

100 North Senate Avenue
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Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

Indianapolis Star & News
P.O. Box 145
Indianapolis, Indiana 46204

Date: March 7, 2006

Phone: 317-444-4000
Fax: 317-444-8806

ATTENTION: PUBLIC NOTICES - LEGAL ADVERTISING SECTION

Enclosed please find Indiana Department of Environmental Management Public Hearing Legal Notices(s) concerning 8 Hour Ozone Redesignation Petition and Maintenance Plan for LaPorte County.

Please print ONE TIME, on or before March 10, 2006, in order for us to satisfy our statutory requirements.

Please send a notarized form no. 99p and/or publisher's claim, together with the clipping, showing the date of publication and your Federal ID number to:

MAIL TO:

**Attn: Sandra Robinson, Room N1001
Indiana Department of Environmental Management
Air Programs Branch, Office of Air Quality
Mail Code 61-50
Indianapolis, Indiana 46206-2251**

If you have any questions, please call me at 317-233-0427. Thank you.

Sincerely,

Sandra Robinson
Air Programs Branch
Office of Air Quality

Enclosures

LEGAL NOTICE OF PUBLIC HEARING
Redesignation Petition and Maintenance Plan
in association with the 8 hour ozone standard,
for LaPorte County.

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Kathryn Watson, Chief
Air Programs Branch, Office of Air Quality – Mail Code 61-50
100 North Senate Avenue
Indiana Department of Environmental Management
Indianapolis, IN 46206-2251

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TO: ACCOUNTING
IGCN - Room 1345

FROM: KAROL T. CHUMA
IGCN - 1001
RULES SECTION
OFFICE OF AIR QUALITY

DATE: 3-16-07

Note: Please send a copy of the paid
publication to Indianapolis
Star & News

The attached invoice for publication of
public notice is approved for payment.

ACCOUNT # 3610/140900

→ Suzy R.

City Hall
801 Michigan Ave
La Porte, IN 46350
219-362-8220



March 19, 2006



KATHRYN WATSON, CHIEF
AIR PROGRAMS BRANCH
OFFICE OF AIR QUALITY – MAIL CODE 61-50
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
INDIANAPOLIS, IN 46206-2251

SUBJECT: LA PORTE COUNTY REDESIGNATION PETITION AND MAINTENANCE PLAN

I am very sorry that I will be unable to attend the public hearing concerning the draft redesignation petition and maintenance plan to be held at the La Porte County Public Library on April 10. I will look forward to the opportunity to review the draft petition and plan and will provide written comments thereafter.

We believe this is a very positive step for La Porte County and we appreciate the manner in which you and your staff have worked with us in achieving compliance.

LEIGH E. MORRIS
MAYOR, CITY OF LA PORTE

COPIES TO: REGGIE KORTHALS, NIRPC
MARY JANE THOMAS, DIRECTOR OF COMMUNITY DEV./PLANNING

REQUEST FOR REDESIGNATION AND
MAINTENANCE PLAN FOR
OZONE ATTAINMENT

IN THE 8-HOUR OZONE MARGINAL
NONATTAINMENT AREA

LaPorte County, Indiana

COMMENTS BY SAVE THE DUNES COUNCIL

APRIL 10, 2006

The Save the Dunes Council has briefly examined a draft copy of this request, and have the following comments. We believe that the ozone trigger level of 89 parts per billion is set too high, since the health based national ambient air quality standard for ozone is 80 parts per billion. The following table, sent us by IDEM, reflects various warning level

triggers.

Contingency Plan Triggers

Options	Areas that Currently Use that Option
Violation of the Ozone NAAQS which can result in a • warning level response (annual (1-year) fourth high monitored value of 88 ppb) then an • action level response (a two (2)-year average fourth high monitored value of 85 ppb or a violation of the ozone NAAQS standard).	Delaware, Vanderburgh, Vigo, and Warrick Counties, IN
Violation of the Ozone NAAQS (three (3)-year average fourth high value of 85 ppb or greater) • An actual increase of the VOC or NOx emissions above the 2004 attainment levels. • The Stafford County monitor indicates two or more ozone exceedances (any fourth highest 8-hour average above 0.08 ppm) in consecutive years. • A violation (any 3-year a verage of each annual fourth highest 8-hour average) of the 8- hour ozone NAAQS of 0.08 ppm occurs.	Greene and Jackson Counties, IN Montgomery County, TN Christian County, KY Fredericksburg, VA (City of Fredericksburg, Spotsylvania, and Stafford Counties)
• An actual increase of the VOC or NOX emissions above the 2004 attainment levels. • A violation of the 8-hour ozone standard at the Madison County/Big Meadows monitor.	Shenandoah National Park, VA (Madison and Page Counties)

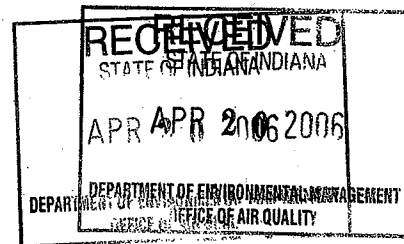
We note that IDEM in the past has not used a warning trigger level as high as 89 parts per billion. Other areas have also selected lower levels and we urge IDEM to be more

protective of LaPorte County air by selecting a much lower level than 89 parts per billion in consultation with the people of LaPorte County, especially those populations most at risk from unhealthy air. The action level trigger, now set at 85 parts per billion, should also be lowered accordingly.

IDEM should also commit to revisiting the suggested contingency measures that may have to be taken should a warning level be triggered in a timely fashion and certainly before the year 2020.



John G. Regetz
Executive Director



April 13, 2006

Gale Farris, Environmental Manager
IDEM, Office of Air Quality
100 N. Senate Ave.
Indianapolis, In 46209-9932

Thomas Edwards
Chairman

Mayor Charles Oberlie
Ex-officio

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Boyd Phelps

John Schaefer

Robert Schaefer

Al Walus

Clyde Zeek

**Re: Request for Redesignation and Maintenance For Ozone Attainment In
The 8-Hour Ozone marginal Nonattainment Area, La Porte County, IN**

Dear Mr. Farris:

I attended the April 10 public hearing regarding redesignation from non-attainment to attainment of the 8-hour ozone standard held at the La Porte Public Library. The Michigan City Economic Development Corporation (MCEDC) extends its support for this redesignation.

Implementation of the NOX SIP for La Porte County has been a success. La Porte County has recorded three years of complete quality assured monitoring data for the years 2003 – 2005 that demonstrate attainment within the 8-hour ozone standard. Additionally, permanent and enforceable reductions in emission levels for NOX and VOC's have been achieved in the non-attainment area.

As federal, state and local agencies strive to balance the many needs of our community, we should retain effective models for improving its air quality. The MCEDC recommends retaining the current 8-hour ozone standard of 0.08 ppm and supports the Request for Redesignation and Maintenance For Ozone Attainment In The 8-Hour Ozone marginal Nonattainment Area, La Porte County, IN

Sincerely,


John G. Regetz
Executive Director

Cc. Mayor Charles Oberlie, Michigan City
Chairman Thomas Edwards, MCEDC
Anita Bowser, Indiana State Senator
Scott Pelath, Indiana State Representative
Mary Kay Budak, Indiana State Representative
Kay Nelson, NIRPC

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC HEARING ATTENDANCE RECORD

Page _____

Title of Public Hearing: Lafayette Co. O Zone Redesignation Public Hearing Location: Lafayette Library Date: 4/16/06

Please print all the information:

NAME	ORGANIZATION/ COMPANY	PHONE NUMBER	ADDRESS
Constance Clay	Save the Dunes Council	219 879-3937	444 Barker Road, Michigan City, IN 46360
Mark Strimber	NiSource	219-647-5269	801 E. 86th Ave., Merrillville, IN 46410
DAN TOMPKINS	EMPC	219-873-8546	929 AVONDOLE DR. TRAIL CREEK IN
Kearno Morgan	Lafayette Community Services	219-326-5663	203 E. Jefferson Ave. La Porte, IN 46350
Amanda Havestick	The News Dispatch	219-874-7211 ⁴⁴⁸	121 W. Michigan Blvd, Michigan City IN
M. J. THOMAS	CITY OF LAFAYETTE	219 362 8260	801 Michigan Ave Lafayette IN 46350
John Regester	Michigan City EDC	219.873.1211	2 Cedence Park Plaza, Michigan City IN 46360

PLEASE PRINT

Hearing Location: Laforte Date: 4/19/06

Name: Mark Strimbu

Title: Program Leader, Air Programs Phone: 219-647-5269

Address: 801 E. 86th Ave
Merrillville, IN Zipcode: 46410

Representing what interest? NI Source

PLEASE PRINT

Hearing Location: Laforte Date: 4/19/06

Name: Constance Cleary

Title: Resource Specialist Phone: 219-874-3937

Address: 444 Barker Road
Michigan City, IN Zipcode: 46360

Representing what interest? Save the Dunes Council

Do you wish to present oral testimony? Yes X No —
Has written testimony been submitted? Yes X No —
Will written testimony be submitted? Yes X No —
Do you wish to be informed of future or final actions in this matter? Yes X No —

PLEASE PRINT

Hearing Location: LA PORTE, IN Date: 4/10/06

Name: HOWARD M SMITH

Title: CANDIDATE, STATE REPRESENTATIVE Phone: 219-326-9662
DISTRICT 20

Address: 203 S JOHNSON AVE
LA PORTE, IN Zipcode: 46360

Representing what interest? WARD 10000

Do you wish to present oral testimony? Yes ✓ No —
Has written testimony been submitted? Yes — No ✓
Will written testimony be submitted? Yes — No ✓
Do you wish to be informed of future or final actions in this matter? Yes ✓ No —

BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

- - -

PUBLIC HEARING REGARDING
REQUEST FOR REDESIGNATION AND
MAINTENANCE PLAN FOR
OZONE ATTAINMENT
IN THE 8-HOUR OZONE MARGINAL
NONATTAINMENT AREA

COPY

- - -

PROCEEDINGS

in the above-captioned matter, before Hearing
Officer Gale Ferris, taken before me, Lindy L.
Meyer, Jr., a Notary Public in and for the
State of Indiana, County of Shelby, at the
La Porte County Public Library, Large
Conference Room, 904 Indiana Avenue, La Porte,
Indiana, on Monday, April 10, 2006 at
6:14 o'clock p.m.

- - -

William F. Daniels, RPR/CP CM d/b/a
ACCURATE REPORTING OF INDIANA
12922 Brighton Avenue
Carmel, Indiana 46032
(317) 848-0088

1 APPEARANCES:

2 ON BEHALF OF IDEM:
3 Ken Ritter

4 SPEAKERS PRESENT:

5 Howard M. Smith
6 Constance Clay
7 Mark Strimbu
8
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6:14 o'clock p.m.
April 10, 2006

THE HEARING OFFICER: Welcome,
everyone, to the La Porte County redesignation
hearing for the eight-hour ozone standard. I'm
just basically going to read a script here and
open it up for comments after I'm done with the
script.

This is a public hearing to accept
comments concerning the draft redesignation
petition and maintenance plan in association
with the eight-hour ozone standard for La Porte
County, Indiana. This hearing is being held to
conform to the provisions in 40 CFR Part 51
regarding public hearings for State
Implementation Plans submittals.

My name is Gale Ferris. I am an
Environmental Manager in the Planning and
Policy Section of the Indiana Department of
Environmental Management's Office of Air
Quality. I've been appointed to act as hearing
officer for this public hearing. Also here
from the Indiana Department of Environmental

1 Management is Ken Ritter, Section Chief of the
2 Office of Air Quality's Technical Support and
3 Modeling Section.

4 Notice of the time and place of the
5 hearing was given as provided by law by
6 publication in the following newspapers:
7 Indianapolis Star, Indianapolis, Indiana; the
8 News Dispatch, Michigan City, Indiana; the
9 La Porte Herald-Argus, La Porte, Indiana.

10 The purpose of this public hearing is
11 to provide interested persons an opportunity to
12 offer comments to the state regarding the draft
13 redesignation petition and maintenance plan for
14 La Porte County, Indiana.

15 Appearance blanks have been distributed
16 in the hearing room for all those desiring to
17 be shown appearing on the record in this cause.
18 If you have not already filled out the form,
19 please do so and indicate if you are appearing
20 for yourself or on behalf of a group or
21 organization and identify such group or
22 organization. Also, note the capacity in which
23 you appear, such as an attorney, officer or

1 authorized spokesperson.

2 Any person who is heard or represented
3 at this hearing or who requests notice may be
4 given written notice of the final action taken
5 on this State Implementation Plan submittal.
6 Please indicate on the appearance card if you
7 wish to receive this notification. When
8 appearance cards have been completed, they
9 should be handed to me and I will include them
10 with the official record of this proceeding.

11 Oral statements will be heard, but
12 written statements may be handed to me or
13 mailed to the Office of Air Quality on or
14 before close of business on Friday, April 14th,
15 2006. A written transcript of this hearing is
16 being made. The transcript will be open for
17 public inspection and a copy of the transcript
18 will be made available to any person upon
19 payment of the copying cost.

20 After the conclusion of this public
21 hearing, I will prepare a written report
22 summarizing the comments received at this
23 hearing and recommending changes which may be

1 made -- need to be made to this document.

2 I would like to introduce the following
3 documents into the record: The notice of
4 public hearing; Draft Redesignation Petition
5 and Maintenance Plan for La Porte County,
6 Indiana; technical correction concerning 2004
7 emissions data.

8 Finally, I would like to briefly go
9 over the contents of the draft document.

10 In 1997, the U.S. EPA established a new
11 more stringent standard for ozone, referred to
12 as the eight-hour ozone standard. The standard
13 itself was established at .08 parts per million
14 measured over an eight-hour period. Within the
15 Guidelines On Data Handling Conventions for the
16 Eight-Hour Ozone National Ambient Air Quality
17 Standard, published by the U.S. EPA in December
18 of 1998, the U.S. EPA established parts per
19 million and three significant figures as the
20 basis for the computation of eight-hour ozone
21 concentrations.

22 In accordance with this guidance, three
23 significant digits are used to determine an

1 area's design value and for conducting
2 attainment tests. Specifically, because the
3 third decimal digit is rounded, 0.084 parts per
4 million is the largest concentration that is
5 less than or equal to the standard of 0.08
6 parts per million. Therefore, an ozone
7 concentration equal to or greater than .085
8 parts per million is considered to be above or
9 in violation of the standard.

10 Legal challenges to the new standard
11 for ozone resulted in delaying implementation
12 of the standard until February 2001, when the
13 Supreme Court ruled that the U.S. EPA could
14 proceed with the implementation of the new
15 standard, providing that the U.S. EPA's
16 implementation is consistent with the Clean Air
17 Act.

18 The U.S. EPA's first action in
19 implementing the new standard for ozone was to
20 designate areas throughout the country as
21 attainment, nonattainment, or unclassifiable.
22 La Porte County was designated nonattainment
23 under the eight-hour ozone standard on

1 April 15th, 2004.

2 This designation was based on monitored
3 design values of .093 parts per million at the
4 NIPSCO Gas Station Ozone Monitor located in
5 Michigan City, and .087 parts per million at
6 the La Porte Wastewater Treatment Plant Ozone
7 Monitor located in La Porte, Indiana. These
8 design values are an average of the annual
9 fourth highest ozone values monitored at each
10 of these monitoring sites for the years 2001
11 through 2003.

12 At the conclusion of the 2005 ozone
13 season, the monitors located in La Porte County
14 measured air quality that meets the ambient air
15 quality standards for ozone. The most recent
16 design values for the area are .079 parts per
17 million at the NIPSCO Gas Station Ozone Monitor
18 located in Michigan City, and .080 parts per
19 million at the La Porte County Wastewater
20 Treatment Plant Ozone Monitor located in
21 La Porte, Indiana.

22 These design values are an average of
23 the annual fourth highest ozone values

1 monitored at each of these monitoring sites for
2 the years 2003 through 2005. These design
3 values represent ozone concentrations that are
4 below the national ambient air quality
5 standard, thus the area is eligible to be
6 redesignated to attainment under the eight-hour
7 ozone standard and classified as maintenance.

8 The Indiana Department of Environmental
9 Management has prepared the Draft Redesignation
10 Petition and Maintenance Plan for La Porte
11 County, Indiana in accordance with U.S. EPA
12 guidance. The draft petition outlines a
13 demonstration that the area has attained the
14 standard based on monitoring concentrations,
15 and that the reductions in monitored
16 concentrations are attributable to permanent
17 and enforceable reductions in precursor
18 emissions, specifically reductions of both
19 volatile organic compounds and oxides of
20 nitrogen.

21 Furthermore, the draft maintenance plan
22 outlines the following: Precursor emissions of
23 volatile organic compounds and oxides of

1 nitrogen will continue to decline in the
2 future;

3 Due to existing and future emission
4 controls, the areas air quality is not
5 projected to worsen, and should improve further
6 over time;

7 A commitment for all existing emission
8 controls to remain in place;

9 A commitment to revise the plan within
10 eight years of redesignation;

11 A commitment to adopt and expeditiously
12 implement necessary corrective actions if a
13 warning or action level response is prompted.
14 A warning level response is prompted whenever
15 an annual (one year) fourth high monitored
16 value of .089 parts per million occurs in a
17 single season, or a two-year average fourth
18 high monitored value of .085 parts per million
19 or greater occurs within the maintenance area.
20 An action level response is prompted whenever a
21 violation of the standard three-year average
22 fourth high monitored value of .085 parts per
23 million or greater occurs;

1 A mobile source emissions budget for
2 transportation conformity purposes.

3 Since the original draft was released,
4 a couple of minor flaws were identified
5 concerning the emissions inventory for the
6 year 2004. The flaws pertained to reference
7 errors within the applicable spread sheet.
8 These have been addressed and the correct data
9 is referenced in the handout titled "Technical
10 Correction Supplemental Document No. 1."

11 This concludes my comments regarding
12 the draft Redesignation Petition and
13 Maintenance Plan for La Porte County.

14 This hearing is now open for public
15 comment, and I see we do have public comments
16 here. I'm just going to go by the order they
17 are here. I'm not sure how to say this first
18 name. Mr. Smith, is it?

19 MR. SMITH: Howard Smith?

20 THE HEARING OFFICER: Yeah, Howard
21 Smith.

22 MR. SMITH: Okay. That's me.

23 THE HEARING OFFICER: I'm sorry.

1 MR. SMITH: I just have one
2 question. This is in regards to the mixture of
3 ethanol with gasoline fuels. Will that have a
4 positive impact on air quality or will that
5 have a negative impact on air quality? If we
6 were to go to, let's say, E-85 fuels or
7 biodiesel fuels or a ten-percent blend of
8 ethanol fuels, would that be a possible
9 reduction in emissions or would that contribute
10 to a problem, or do we know?

11 MR. RITTER: Probably the simplest
12 answer to the question is: We're studying
13 that, and we may have a draft document already
14 together now on that, and so I don't have any
15 quantifiable numbers right offhand, so I'd
16 prefer that we provided a --

17 MR. SMITH: Okay.

18 MR. RITTER: -- more formal
19 response based upon that information.

20 MR. SMITH: Okay.

21 MR. RITTER: And we have some staff
22 who are working on that.

23 Okay. I'm Ken Ritter, from the Office

1 of Air Quality.

2 MR. SMITH: Okay. Thank you.

3 THE HEARING OFFICER: The next
4 person on the list is Constance Clay.

5 MS. CLAY: Clay. Do I make it from
6 here?

7 THE HEARING OFFICER: Yes.

8 MS. CLAY: Good evening. On behalf
9 of Save the Dunes Council, my name is Connie
10 Clay. I'm resource specialist for Save the
11 Dunes Council, and I just have some brief
12 statements to make.

13 This is a request for the redesignation
14 and maintenance plan for the ozone attainment
15 in the eight-hour ozone marginal nonattainment
16 area, La Porte County, Indiana. These comments
17 are made by Save the Dunes Council April 10th,
18 2006.

19 The Save the Dunes Council has briefly
20 examined a draft copy of this request and have
21 the following comments: We believe that the
22 ozone trigger level of 89 parts per billion --
23 and we talked about the parts per billion and

1 million and we cleared that up --

2 THE COURT: Uh-huh.

3 MS. CLAY: -- is set too high,
4 since the health-based national ambient air
5 quality standard for ozone is 80 parts per
6 billion. The following table sent us by IDEM
7 reflects various warning level triggers, and
8 those warning level triggers, even though we
9 have the diagram -- I think it's on page eight,
10 and we briefly spoke about that also -- we know
11 that IDEM in the past has not used a warning
12 trigger level as high as 89 parts per billion.

13 Other areas have also selected lower
14 levels, and we urge IDEM to be more protective
15 of La Porte County air by selecting a much
16 lower level than the 89 parts per billion, in
17 consultation with the people of La Porte
18 County, especially those populations most at
19 risk for unhealthy air.

20 The action level trigger now set at 85
21 parts per billion should also be lowered
22 accordingly. IDEM should also commit to
23 revisiting the suggested contingency measures

1 that may have to be taken should a warning
2 level be triggered in a timely fashion, and
3 certainly before the year 2020.

4 Thank you.

5 THE COURT: And the last person we
6 have here for comments is Mark Strimbu.

7 MR. STRIMBU: Thank you. I wasn't
8 originally prepared to make some comments on
9 this, but I thought I'd bring some items to
10 your attention, just to help maybe clarify the
11 document for those that are going to be
12 affected by it.

13 The first comment I have is on page 2,
14 the paragraph just above Section 2.2. There is
15 a statement that each subsection describes how
16 the requirement has been met. That is not what
17 you see when you read through the Section 2
18 point -- whatever these are -- through 2.6, I
19 think it is. They actually occur in another
20 section, Section 3. You might want to just
21 clarify that for people so they're not looking
22 for the answers and not finding what you're
23 supposed to do.

1 THE COURT: Okay.

2 MR. STRIMBU: There may be another
3 technical correction you want to investigate,
4 on page 26. In the paragraph just above --
5 it's two lines above Table 7.3 -- on the left
6 side of the page there's a number, 10.2. I
7 believe that number disagrees with what's in
8 the Table 7.3 under the average. It is 11.2,
9 so you might want to track down which of those
10 is actually correct.

11 THE COURT: I note that.

12 MR. STRIMBU: And probably last is
13 the -- on page 28, on the "Contingency
14 Measures" area, previous versions of
15 contingency measures that I've seen have
16 referenced some kind of timing on when the date
17 was going to be available, et cetera, and it
18 conveyed the impression that the data was going
19 to be already quality assured and et cetera,
20 and reviewed thoroughly to make sure that it
21 was just data from the monitor, so to speak. I
22 don't see anything referencing that in this
23 text, so maybe a simple insertion of QA/QC data

1 that exceeds that particular number would be
2 what the trigger is.

3 MS. CLAY: Uh-huh.

4 THE COURT: Okay.

5 MR. STRIMBU: It's my understanding
6 that if the data doesn't pass the QA/QC
7 process, then it's not valid anyway, so it
8 wouldn't then be legitimate to form a trigger
9 level off of that information.

10 That concludes my comment.

11 THE COURT: Does anybody else have
12 any additional comments?

13 (No response.)

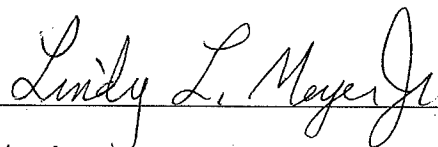
14 THE COURT: In the absence of any
15 other -- any further comments, these
16 proceedings are hereby concluded. This hearing
17 is adjourned.

18 - - -
19 Thereupon, the proceedings of
20 April 10, 2006 were concluded
21 at 6:30 o'clock p.m.
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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned
Court Reporter and Notary Public residing in
the City of Shelbyville, Shelby County,
Indiana, do hereby certify that the foregoing
is a true and correct transcript of the
proceedings taken by me on Monday, April 10,
2006 in this matter and transcribed by me.



Lindy L. Meyer, Jr.,
Notary Public in and
for the State of Indiana.

My Commission expires October 27, 2008.